

Application No: 13/2655M

Location: OVENHOUSE FARM, HENSHALL ROAD, BOLLINGTON,
MACCLESFIELD, CHESHIRE, SK10 5DN

Proposal: Outline Planning Permission for Residential Development comprising up to 6 no dwellings including demolition of all existing buildings on site.

Applicant: JC WOOD

Expiry Date: 20-Aug-2013

Date Report Prepared: 10 October 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement.

MAIN ISSUES:

- The principle of development (*loss of employment*);
- The principle of development (*need for housing/sustainable Location*);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Developer contributions, and
- Other material planning considerations.

REASON FOR REPORT

This application was presented to Northern Planning Committee on 25 September 2013. The application was referred to Northern Planning Committee at the discretion of the Northern Area Manager. Members voted to defer the application for further information in respect of the future relocation of the existing businesses on the site.

The decision for deferral was taken following the agreement by the Planning Consultant for the applicant that discussions with Council officers would be possible on this point.

Officers have met the applicant to discuss the future relocation of the existing businesses on the site and can confirm the following: -

1. The three tenants (Bollington Beer Supplies, TyrZ For Tyres and Bollington Car Centre) on Oven House farm are on informal lease agreements.
1. These informal lease agreements entail any tenants to give the applicant one calendar month of vacating the property and the applicant must give at least 12 calendar months notice of termination. This is on a 'hand shake' agreement.

2. The applicant has confirmed that he has given all of the tenants notice in February 2013 that requires them to vacate on or before June 2015. (over 2 years notice).
3. The applicant has confirmed that he is actively pursuing the acquisition of alternative site upon which he intends to create enough floor space to accommodate his own business (to be carried on by his son) and the two existing tenants, if they have fail to find site on their own.
4. This has been evidenced by written confirmation from Bollington Beer Supplies, TyrZ For Tyres and Bollington Car Centre.
5. The tenants will vacate irrespective of the planning application.
6. Of the tree tenants, only one employee lives in Bollington.
7. The applicant has also stated that he is unable to make public his commercial dealings as they relate to confidential land purchases, however officers has seen evidence of this.
8. The applicant contends that he would need the funds made available from the granting of permission on this site to enable this land purchase to continue.
9. Finally the applicant has stated that they intend to cease the commercial use in such close proximity to their own residential property, hence the present employment on site will cease anyway.

Therefore as per the previous report and subject to the recommended conditions and S.106 the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a yard containing two large buildings which are divided into four commercial units. In the north eastern part of the site is a stone building with profiled sheet roof. This building contains a tyre fitting business and a beer storage business.

In the south western part of the site is a part two storey/part single storey stone building with a slate roof. This building houses a welding and fabrications business and car sales lot. The yard area around the buildings is used for access and circulation, parking for customers and staff, and for the display of cars for sale.

The south western site boundary abuts the rear of residential properties in Ovenhouse Lane and consists of a stone wall with metal railings atop. The south eastern boundary abuts the curtilage of Ovenhouse Farmhouse, although it is partly undefined where it passes through the existing yard. To the north east the boundary is defined by a stone wall which adjoins the rear of dwellings in South West Avenue, and to the North West the frontage of the site is defined by a low stone wall.

The site slopes gently from south east to North West with the highest levels being in the south east corner. There are no significant changes in level however, and the variation over the whole site is less than 1 metre.

The site is shown as being within a predominantly residential area and it has no special designation other than this and is not shown as being within an existing or proposed employment area.

DETAILS OF PROPOSAL

The application seeks outline planning permission for a proposed development of 0.3 hectares (0.74 acres) of land at Ovenhouse Farm, Henshall Road, Bollington for a residential development of up to 6 new dwellings. The proposed development also consists of the demolition of all existing buildings on the site.

The application is in outline with all matters other than access reserved for further approval. However, an illustrative plan has been submitted which demonstrates that a residential development of the scale proposed can be accommodated on the site and provide a development which respects the character of the locality and neighbouring residential development.

In terms of access, the scheme is proposed to be served from a new site access from Henshall Road approximately 10 metres to the south of the existing access serving the commercial units. The details of this access including visibility splays are included with the application.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- The site has an established use for commercial development comprising the repair and maintenance of commercial vehicles, and a certificate of lawfulness for that use was issued in 1990;
- In 2007 a planning application was approved for the change of use of unit 4 to the retail sale of motor vehicles;
- In 2008 permission was granted for a single storey extension to Unit 3 which is used for the welding and fabrications business; and
- In 2003 permission (03/3436P) was sought in outline for the re-development of the site for residential purposes, but this was refused solely on the grounds that at that time Macclesfield Borough Council had an over-supply of housing. There were no other reasons for refusal and it can be deduced that had it not been for the particular housing land supply issue that was current at the time the development would have been acceptable at that time.

This planning history that the site itself has constantly been seen as a potential residential site, this is borne out by the site being identified in the SLAA and that the Local Planning Authority have look at favourably on sustainable residential schemes on both allocated and non allocated commercial sites in Bollington.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies form the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

Local Plan Policy:

The application site lies within the mainly residential area in Bollington and is in employment use, therefore the relevant Macclesfield Local Plan polices are considered to be: -

- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);
- Policy H13 (Protecting residential areas);
- Policy E1 (employment land Policies);
- Policy E14 (Employment in Housing Areas);
- Policy DC1 (High quality design for new build);
- Policy DC3 (Protection of the amenities of nearby residential properties);
- Policy DC6 (Circulation and Access);
- Policy DC8 (Requirements for Landscaping);
- Policy DC35 (Materials and finishes);
- Policy DC36 (Road layouts and circulation);
- Policy DC37 (Landscaping);
- Policy DC38 (Guidelines for space, light and privacy for housing development);
- Policy DC41 (Infill housing development);
- Policy NE11 (Nature Conservation); and
- Policies RT5 and DC40 (Children's Play Provision and Amenity Space).

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this

document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Section 106/Planning Obligations Supplementary Planning Guidance Note;
- Annual Monitoring Report (AMR; 2011/12);
- Strategic Housing Land Availability Assessment (SHLAA; February 2011); and
- Employment land review (2012).

CONSULTATIONS (External to Planning)

Environmental Health: No objections subject to conditions controlling the hours of construction, hours and method of pile foundations (if necessary), and submission of a scheme to minimise dust emissions.

Contaminated Land: A Phase 1 Contaminated Land Report has been submitted with the application which recommends a Phase II intrusive investigation is carried out. This should be conditioned.

Highways: No objections.

Environment Agency: No comments.

United Utilities: No objection provided the site is drained on a total separate system with only foul drainage connected into the public sewer. Surface water should be discharged directly into the adjacent watercourse and may require Local Authority consent.

Amenity/Greenspace: No on-site provision of public open space is proposed, therefore commuted sums will be required, in accordance with policies.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council: have objected to the application on the following grounds:

- Bollington should not be losing viable employment locations with prime access;
- The Town needs such sites to maintain a healthy mix of housing and employment;
- The continual erosion of our employment sites should not continue because businesses cannot now find suitable locations in Bollington and the viable businesses on this site will also be forced to move out of Bollington; and

- Cheshire East Council has apparently identified 5 years plus land supply for housing and there should be no need to utilise this site especially with the housing currently in the pipeline in and on the edge of Bollington.

REPRESENTATIONS

The application has been duly advertised on site by a site notice and immediate neighbours have been written to directly.

One letter of objection has been received and this can be summarised as follows: -

- The proposed demolition of the existing buildings will mean the loss to the community of several thriving local businesses;
- Nine more houses would put yet more strain on the currently stretched infrastructure;
- Is there any more need to housing in Bollington given the approvals for the Kay Metzler, Ingersley Vale and Hurst Lane wood yard sites.

One letter of support has been received and these comments can be summarised as follows:

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- In favour of housing provided that there are no three storey houses;
- The present site is untidy with wagons vans and HGV wagons arriving and departing all day; and
- Housing would be a great improvement to this plot of land.

The scheme, although remaining in outline form, has reduced the numbers of dwellings sought from nine to six. This scheme has also been advertised and no comments have been received.

APPLICANT'S SUPPORTING INFORMATION

A Planning Supporting and Design & Access Statement were submitted with the application. These can be read on the file and they contend that: -

At present the site contains four commercial units contained in two buildings, which are in the ownership of the applicant. One of the units (Unit 3) is used by him for his welding engineering and fabrications business and the other 3 units are let. The applicant has stated that these units do not generate any significant employment and their existence is somewhat of a historic anomaly in what is otherwise a residential area. They continue to state that the use has generated complaints because of noise and disturbance in the past, and, whilst there have been no recent complaints, the lawful use of the site for vehicle repairs could in the future cause problems.

Other than the car sales lot the site is not controlled by any planning conditions. The applicant contends that the loss to the economy of the commercial use would be more than compensated for by the positive contribution the scheme would make to the residential amenity of existing dwellings in the locality.

The applicant, Mr J. C Wood, has operated the site on a commercial basis for over 20 years. However, he has stated that in recent times the return on the investment has fallen

dramatically on account of the recession, whilst fixed costs, particularly for utilities, have risen to the point where the operation of the site is no longer commercially viable. He believes that a new use must therefore be found for the land, and it is considered that residential is the most appropriate given the context of the site.

The buildings on the site are of no particular architectural merit, having been altered and extended at various times in the past and their loss in terms of employment generated would be insignificant.

The applicant has stated that, at present, the site provides full time employment for no more than 5 people. Mr Wood is now nearing retirement and when he does the commercial use of the site will cease. Therefore, he believes that it is appropriate therefore, that a more efficient use of the site which is less damaging to the amenity of existing dwellings in the near vicinity is found.

Additional information submitted since the Committee on 25 September 2013 is included in the 'reasons for report' section of this report.

OFFICER APPRAISAL

Principle of Development (*loss of employment*):

The site is located in a predominantly residential area. It is currently in use for employment purposes.

The majority of employment sites are shown on the Proposals Map, though some smaller sites are not. It is acknowledged that these sites are, or have been important employment sites and are an important part of the stock of employment land and buildings.

Policy E14 states that: -

THE BOROUGH COUNCIL WILL ENCOURAGE THE RELOCATION OF BUSINESSES WHICH CREATE AN UNACCEPTABLE LEVEL OF NUISANCE TO NEIGHBOURING DWELLINGS ARISING FROM NOISE, SMELL, SAFETY OR TRAFFIC GENERATION. INFILL HOUSING WILL BE ENCOURAGED ON SUCH SITES.

This policy largely applies to the Macclesfield and Bollington area, where backstreet industrial activities have outgrown their premises, or an intensification of use has taken place.

It is considered that this site is an anomalous location for a existing commercial development in the middle of almost exclusively residential development which has grown over the years around the original farm and its outbuildings.

In addition the Council is concerned to protect and enhance the character and amenities of housing areas. Any non residential uses should be appropriate in scale and should not adversely affect residential amenity. Uses which would create unacceptable noise, safety or health impacts or generate excessive traffic will not be acceptable.

The principle of development (*need for housing/sustainable Location*):

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development.

At paragraph 187 it advises that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;
- Removing an unsuitable industrial businesses from a residential area; and
- Providing a choice of quality homes.

In respect of the provision of housing, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.

The SHLAA was approved in February 2013 demonstrating a 7.15 year housing land supply. This site is identified in the SHLAA as being deliverable, available, achievable and suitable within years 1 to 5. Whilst the loss of the employment land is an important consideration, the context of the site (it is a brownfield site within a predominantly residential area) weighs heavily in favour of allowing its redevelopment for residential purposes.

The site is located within the settlement of Bollington reasonably centrally and within easy access of the town centre. Bollington includes a range of shops and local services and amenities. There is easy access to bus routes.

Taking this into account the site is considered to be in a sustainable location and therefore accords with the NPPFs aims of fostering sustainable development.

It is therefore considered that the redevelopment of this site should be considered positively.

Design and Layout issues:

The proposal is in outline only and the detailed design of the scheme will be the subject of subsequent approval, however a revised (originally nine – reduced to six) indicative layout that demonstrates a scheme that in terms of overall density would respond positively to the surrounding area and would have no detrimental impact on the character of the locality.

The application site is not within a Conservation Area and none of the buildings on site are listed or can be considered for listed status. The Conservation Section did visit Ovenhouse Farm in 2008 when there was some suggestion that the farm house should be listed, in the event while the farm and the buildings would appear to be mid 1800's the house was not of sufficient merit to warrant listing. The barns do appear to be in the original location although one is much extended.

The applicant is not prepared to convert the building and officers do not believe that the buildings are convertible, without significant alterations. However, a condition is suggested to secure that the stone (where possible) is reused within the new housing scheme.

Residential Amenity Implication:

The outline nature of the proposal means that detailed matter of layout, scale and appearance are not for determination at the present time. However, the illustrative scheme demonstrates that a layout in compliance with the criteria set out in Policies DC38 and DC41 can be achieved in a satisfactory manner.

Highways Access, Parking, Servicing and Pedestrian Safety:

There is one main access to the site taken off Henshall road and this access will serve the proposed development and two other existing dwellings to the rear of the site. There are no traffic impact concerns regarding the provision of six dwellings and it has to be borne in mind that the existing commercial traffic to the site will be removed from the road network.

The access design is an acceptable design to serve the development proposed and sufficient visibility is available. Although an indicative layout has been provided, no detailed comments are provided on the layout as this will be dealt with at reserved matters. No highway objections are raised.

Provision of Public Open Space and Heads of Terms:

The application triggers the requirement for the provision of both Public Open Space (children's play and amenity) and Recreation and Outdoor Sports facilities as identified in the Council's SPG on s106 Agreements as noted above.

6 family homes would generate need for £18,000 Public Open Space (POS) and £6,000 Recreational Open Space (ROS).

The commuted sum would be required by the Local Authority on commencement of development.

The POS commuted sum would be used (together with interest attributed to the sum) towards works of addition, improvement and enhancement of Bollington Cross play area and playing field and Coope Road open space. The ROS commuted sum would be used (together with interest attributed to the sum) at Bollington Cross playing Field. These would be agreed together with all proper and reasonable professional fees and administrative expenses directly attributable within the period of 15 years from receipt from the owner.

The applicant has suggested that these contributions would only become a requirement if six dwellings are achieved, and not if five or less, this being the threshold. They believe that this could be covered by a condition.

It is considered that the mechanism for provision of open space, or the payment of a financial sum in lieu, should this be required, would be through a S106 agreement under the Town and Country Planning Act 1990.

Other Material considerations:

ARBORICULTURAL IMPLICATIONS:

The site edged red does not contain any trees. However a large mature Oak is located within the garden of number 1, South West Avenue and a group of Silver Birch within an amenity area forming the eastern aspect of the junction with Henshall Road and Ovenhouse Lane are all considered to be a material consideration.

Ideally the application should have been supported by an Arboricultural Implication Assessment. This report would assess the environmental and amenity values of all trees, on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The illustrative layout plan identifies the Oak tree on the site boundary. The Council's Heritage & Design (Forestry) section have been consulted on the application. It is considered that a suitable tree protection condition can secure the long term safety of this tree.

ECOLOGICAL IMPLICATIONS:

The application is supported by an acceptable protected species survey report. The Council's Heritage & Design (Ecology) section have been consulted on the application. No evidence of protected species was recorded during the survey and it is considered that there are no significant ecological constraints on the proposed development. A condition is suggested to secure enhancement for biodiversity.

LANDSCAPE ISSUES:

The Council's Heritage & Design (Landscape) section have been consulted on the application. It is considered that the proposals will not result in any significant landscape or visual impacts. Conditions are suggested to secure a suitable landscaping scheme and its implementation.

ENVIRONMENTAL HEALTH:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment.

LAND CONTAMINATION:

This site is currently used as car sales and maintenance and therefore there is the potential for contamination of the site and the wider environment to have occurred. This site is located on a suspected former pond and within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Bearing the above in mind, the Council's Contaminated Land team has no objection to the above application, subject to a condition to secure an investigation report and remediation strategy with a completion reports if required.

DRAINAGE:

In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents flooding and pollution of the environment. United Utilities have raised no objection to the scheme, subject to the imposition of a condition to ensure that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

AERODROME SAFEGUARDING ISSUES:

A traditional residential development on this site would not breach safeguarding criteria and Manchester Airport has no safeguarding objections to the proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within the settlement boundary of Bollington on previously developed land, in a sustainable location close to existing services, community facilities and public transport links.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Whilst the loss of a site in existing employment use is unfortunate, the site is not allocated as such and as the relocation of businesses which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation is encouraged.

The site has already been identified by Cheshire East Council as being suitable for housing and deliverable within years 1-5 in the 2013 Strategic Housing Land Availability Assessment. The Council should therefore take a positive view of sites which will allow it to meet its targets for the provision of new dwellings in the Borough.

HEADS OF TERMS

- Commuted sums of £24k to mitigate for the loss of existing open space and for POS in lieu of onsite provision.

Community Infrastructure Levy (CIL) Regulations:

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide six dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Outline Planning

RECOMMENDATION:

1. A06OP - Commencement of development
2. A01OP - Submission of reserved matters
3. A03OP - Time limit for submission of reserved matters
4. A01AP - Development in accord with approved plans
5. A09OP - Height restriction (Max 2 ½ storeys)
6. A02TR - Tree protection
7. A04NC - Details of drainage (seperate)
8. A22GR - Protection from noise during construction (hours of construction)
9. A23GR - Pile Driving
10. Dust Control
11. Contaminated Land
12. Re-use of existing stone

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